

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

VANESSA DENISE SMITH,

Plaintiff,

vs.

CYNDI PRUDDEN, et al.,

Defendants.

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Case No. 2:08-CV-0008 AGF

ORDER

This matter is before the Court upon Vanessa Smith's motion for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a).

Although plaintiff has filed a motion for leave to proceed in forma pauperis, she has not submitted a properly certified copy of her prisoner account statement. Pursuant to 28 U.S.C. § 1915(a)(2), "[a] prisoner seeking to bring a civil action . . . without payment of fees . . . shall submit a certified copy of the trust fund account statement . . . obtained from the appropriate prison official." Because the plaintiff is within the custody of the Missouri Department of Corrections, she is a prisoner within the meaning of the Act. See 28 U.S.C. § 1915(h). Therefore, the Court will order plaintiff to submit a properly certified copy of her inmate trust fund account statement in order to be granted leave to proceed without payment of the filing fee.

Accordingly,

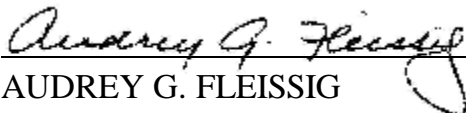
IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that plaintiff shall file a certified copy of her inmate trust fund account statement for the six month period immediately preceding the filing of her complaint on January 29, 2008.

IT IS FURTHER ORDERED that if applicant fails to submit a certified copy of her inmate trust fund account statement within thirty (30) days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if plaintiff submits her inmate trust fund account statement within thirty days, the Clerk shall resubmit this action for review under 28 U.S.C. § 1915.

Dated this 19th day of March, 2008.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE